

NTSB Order No. EA-5252

Issued under delegated authority (49 C.F.R. 800.24)
on the 28th day of September, 2006

Docket SE-17534

(a) Appeal brief....each appeal must be perfected, within 50 days after the date on which the oral initial decision was rendered, or 30 days after the date on which the written initial decision or appealable order was served, by the filing, and simultaneous service on the other parties, of a brief in support of the appeal. An appeal may be dismissed by the Board, either on its own initiative or on motion of another party, where a party who has filed a notice of appeal fails to perfect the appeal by filing a timely appeal brief.

motion, to which respondent filed no responsive pleading, is granted.

The record establishes that respondent filed a timely notice of appeal from the law judge's June 26, 2006 oral initial decision,² but he did not file an appeal brief within the time period prescribed by our rules, that is, by August 15, 2006.

In the absence of good cause to excuse respondent's failure either to perfect his appeal by filing a timely appeal brief or to submit a timely extension request for filing the brief after the deadline, dismissal of an appeal is required by Board precedent and policy. See Administrator v. Hooper, 6 NTSB 559 (1988).

ACCORDINGLY, IT IS ORDERED THAT:

1. The Administrator's motion to dismiss is granted; and
2. Respondent's appeal is dismissed.

Gary L. Halbert
General Counsel

² The law judge affirmed an order of the Administrator revoking respondent's mechanic certificate with airframe and power plant ratings for violations of sections 43.9(a)(4), 43.12(a)(1), 43.13(a), and 43.15(a)(1) of the Federal Aviation Regulations.